

MAR 02 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHANNON LUCIENNE WHITE,

Defendant - Appellant.

No. 08-30127

D.C. No. 4:07-cr-00092-SEH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Shannon Lucienne White appeals from the the 57-month sentence imposed following her guilty-plea conviction for credit/debit card fraud, in violation of 18 U.S.C. § 1029(a)(29), and aggravated identity theft, in violation of 18 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1028(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

White contends that the district court erred by determining that the loss amount exceeded \$100,000, for purposes of enhancing her offense level under the U.S.S.G. § 2B1.1(b)(1)(F). We conclude that the district court did not clearly err. *See United States v. Santos*, 527 F.3d 1003, 1009 (9th Cir. 2008).

White also challenges the district court's calculation of loss amount for purposes of restitution. We conclude that the district court did not clearly err. *See United States v. De La Fuente*, 353 F.3d 766, 772-774 (9th Cir. 2003).

White further contends that the district court erred in determining that she was not entitled to a downward adjustment for acceptance of responsibility. We reject this contention. *See United States v. Scrivener*, 189 F.3d 944, 948-49 (9th Cir. 1999); *see also United States v. Rutledge*, 28 F.3d 998, 1002 (9th Cir. 1994).

AFFIRMED.